

### **REMARKS**

An Office Action has been issued in the subject application in which claims 1, 4, 5, 9, 16, 19, and 20 were rejected under 35 U.S.C. § 102.

Summarizing the Amendment, new claims 23 to 26 have been added to more distinctly claim and particularly point out the subject matter which Applicant regards as the invention. Claims 1, 4, 5, 9, 16, 19, 20, and 23–26 remain in the application. Reconsideration of the subject application as amended is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1, 4, 5, 9, 16, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,321,513 to Meixner. Applicant traverses these rejections.

#### **Requirements for Anticipation**

The Federal Circuit stated in *W.L. Gore & Associates v. Garlock, Inc.* [721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)] that an anticipation rejection under 35 U.S.C. § 102 “requires the disclosure of a single prior art reference of each element of the claim under consideration.” It is not enough, however, that the prior art reference disclose all the claimed elements in isolation. Rather, as stated by the Federal Circuit, “[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim” [*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)]. Likewise, the Court of Customs and Patent Appeals (CCPA) stated in *In re Wilder* [429 F.2d 447, 166 USPQ 545, 548 (C.C.P.A. 1976)]:

Simply stated, a prior publication or patent description will be considered as anticipatory when its disclosure is at once specific and enabling with regard to the particular subject matter at issue. In effect, a prima facie case is made out whenever a reference is shown to contain a disclosure which is specific as to every critical element of the appealed claims.

In other words, a prima facie case of anticipation is established when the Patent Office provides:

- a) a single reference
- b) that teaches or enables
- c) each of the claimed elements (arranged as in the claim)
- d) expressly or inherently
- e) as interpreted by one of ordinary skill in the art.

If any one of these elements is not present, the prima facie case of anticipation is not established. In the instant case, it is respectfully submitted that the Meixner patent fails to meet these requirements.

#### The Cited Reference

U.S. Patent No. 6,321,513 to Meixner discloses a method in which a packaging material can be used to compress a product during or after a packaging procedure or to exert a uniform multi-side or all-side pressure on a packaged commodity. Meixner states that the method is advantageous in the packaging of diapers, hygiene paper, sanitary pads or the like. Meixner also states that the volume of diapers can be compressed by up to half in accordance with his method. (See column 4, lines 23–31.)

As discussed below, the Meixner patent fails to teach or suggest packaging a single absorbent article to yield an individually packaged single absorbent article that is highly compact and portable.

#### The Present Invention

The invention as set forth in claim 1 recites a highly compact and portable absorbent article that includes:

a single absorbent article that is compressible and reconfigurable... ; and  
a packaging for retaining said single absorbent article in said compressed condition

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said absorbent article occupying a volume of space that is reduced by at least about 30% when said absorbent article is reconfigured from [a] normal condition to [a] compressed condition; and  
said packaging for retaining said single absorbent article when said article is in said compressed condition, thereby yielding an individually packaged compact and portable absorbent article.

The invention as set forth in independent claim 16 recites a method for packaging an absorbent article to yield an individually packaged single absorbent article that is compact and portable.

The method includes:

providing an absorbent article ... ;  
reconfiguring the absorbent article such that the volume of space is reduced by at least 30%;  
retaining the absorbent article when reconfigured within [a] packaging, thereby yielding an individually packaged compact and portable absorbent article.

### **Discussion**

The Meixner patent fails to teach or suggest packaging a single compressed absorbent article within a single packaging to yield an individually packaged absorbent article. Rather, Meixner claims that his method may be used to package diapers. This is a conventional packaging system that is used to package a plurality of diapers into plastic packaging that is then either sold within the packaging or repackaged into cardboard packaging.

Accordingly, the Meixner system fails to teach or suggest a single absorbent article that is compressed and then packaged while compressed to yield an individually packaged absorbent article as recited in claim 1, or a method of packaging a single absorbent article as recited in claim 16.

It is respectfully submitted that the Meixner patent fails to teach or suggest the absorbent article of claim 1 and the method of claim 16, and, therefore, that claims 1 and 16 are patentable. In addition, claims 2, 4, and 9 depend from claim 1, and claims 19 and 20 depend from claim 16. Each of these dependent claims recites additional features of the invention. For reasons analogous to those presented in relation to claims 1 and 16, it is respectfully submitted the Meixner patent also fails to teach or suggest the absorbent article of claims 4, 5, and 9, and the methods of claims 19 and 20, and, therefore, that claims 4, 5, 9, 19, and 20 are patentable.

### **NEW CLAIMS**

New claims 23 to 26 have been added to the application. Claims 23 and 24 are dependent claims that depend from claim 1, and claims 25 and 26 are dependent claims that depend from claim 16. Claims 23 and 25 have support in the specification at, e.g., page 4, lines 24 to 27, and in FIGS. 5, 7, and 9; and claims 24 and 26 have support in the specification at, e.g., page 4, lines 24 to 27, and in FIGS. 6, 8, and 10.

Claims 23 and 25 recite that the absorbent article may be reconfigured by rolling, and claims 24 and 26 recite that that absorbent article may be reconfigured by folding. It is respectfully submitted that the Meixner patent fails to teach or suggest the absorbent article of claims 23 and 24 and the method of claims 25 and 26, and, therefore, that claims 23 to 26 are patentable and in condition for allowance.

**CLOSING REMARKS**

It is respectfully submitted that the subject application, including claims 1, 4, 5, 9, 16, 19, 20, and 23–26, is in condition for allowance. Confirmation of the allowance is respectfully requested.

The Examiner is invited to contact the undersigned if there are any issues which remain, preventing the allowance of the application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Eric K. Satermo", is written over a horizontal line.

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